

REMARKS

The Examiner is thanked for the careful examination of the application. However, in view of the foregoing amendments and the remarks that follow, the Examiner is respectfully requested to withdraw the restriction requirement and the outstanding rejections.

Election:

As set forth above, Applicants confirm the election of claims 1-6 and 11. However, in view of the foregoing amendments to the claims, the Examiner is respectfully requested to reconsider the determination that the absorbent structure can be made by a process that is distinct from that set forth in claims 7-10. In particular, claim 7 has been amended to indicate that the layers are partly integrated into each other. Such language also corresponds to new language added to claim 1.

Accordingly, Applicants submit that a thorough examination of the subject matter of group 1 would be substantially coextensive with a careful examination of the group 2 claims. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the election requirement and to consider the subject matter of claims 7-10 together with the remaining claims.

With regard to the species requirement, Applicants hereby elect the species of claim 8.

Claim Rejections - 35 U.S.C. §112:

In response to the rejection of claims 1-6 and 11 under 35 U.S.C. §112, second paragraph, the foregoing amendments should overcome the issues raised by the Examiner. Accordingly, the Examiner is respectfully requested to and reconsider and withdraw the outstanding rejections under 35 U.S.C. §112, second paragraph.

Art Rejections:

Claims 1-6 and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,713,881, hereinafter Rezai, in view of U.S. Patent No. 5,728,083, hereinafter Cohen.

Rezai discloses a pore size microstructure, which is not a foam structure in a real sense. It may, however, include a substrate layer 72 that may be a cellulose foam. However, as acknowledged by the Examiner, there is no indication of any pore size grading. In addition, the foam layers in Rezai are not disclosed as being partly penetrating into each other.

In order to overcome the deficiency of Rezai, the Examiner has combined Rezai with Cohen. At the present time, Applicants do not specifically challenge the combination of Rezai and Cohen, but reserve the right to do so at a later time, if appropriate and necessary.

To further distinguish claim 1 over the prior art, claim 1 has been amended to define the foam material as comprising at least two integrated layers having different mean

pore sizes, wherein the layers partly penetrate into each other so that there is no clear partitioning line between the layers. For support for this amendment, the Examiner's attention is directed to page 3, lines 16-19 of the present application. Neither of the prior art references teach or suggest the subject matter of claim 1, and in particular, wherein at least two integrated layers partly penetrate into each other so that there is no clear partitioning line between the layers. Accordingly, amended claim 1 is clearly patentable over the cited prior art.

In addition, the Examiner's attention is directed to claim 5, wherein the foam materials are defined as regenerated cellulose. In addition, claims 14 and 15 define the foam material as viscous. As a result of such structure, the compressed viscous foam expands quickly in the Z direction when the liquid is absorbed by material when wetted.

Accordingly, the present invention, as set forth in the pending claims is clearly patentable over the cited prior art.

In the event that there are any questions concerning this response, or the Application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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Attachment to Election and Amendment dated May 22, 2002
Mark-Up of Claims 1-11

1. (Amended) [Absorbent] An absorbent structure in an absorbent article [such as a diaper, pant diaper, incontinence guard, sanitary napkin, wound dressing, bed protection etc. and], the absorbent structure comprising a compressed foam material [(1)] which expands upon wetting, [characterized in that] the foam material [(1)] comprises at least two integrated layers [(2,3,4)] having different mean pore sizes[.] , wherein the layers partly penetrate into each other so that there is no clear partitioning line between the layers.

2. (Amended) [Absorbent] The absorbent structure as claimed in claim 1, wherein [characterized in that] the foam material [(1)] contains superabsorbent material.

3. (Amended) [Absorbent] The absorbent structure as claimed in claim 2, wherein each layer [characterized in that the different layers (2,3,4) contain] contains a different [amounts] amount of superabsorbent materials.

4. (Amended) [Absorbent] The absorbent structure as claimed in claim 3, wherein [characterized in that] the layer having the largest mean pore size contains the

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lowest amount of superabsorbent material and the layer having the smallest mean pore size contains the highest amount of superabsorbent material.

5. (Amended) [Absorbent] The absorbent structure as claimed in claim [1] 4,
wherein [characterized in that] the foam material is regenerated cellulose[, such as
viscose].

6. (Amended) [Absorbent] The absorbent structure as claimed in claim 1,
wherein [characterized in that] the foam material in the different layers may be of different
polymers.

7. (Amended) [Method] A method of producing an absorbent structure in an
absorbent article [such as a diaper, pant diaper, incontinence guard, sanitary napkin,
wound dressing, bed protection etc. characterized in] ,the method comprising separately
forming at least two different foam materials having different mean pore sizes and applying
the foam materials on top of each other while still not dry so that the layers are partly
integrated into each other, after which the combined material layers are dried and
compressed.

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8. (Amended) [Method] The method as, claimed in claim 7, wherein
[characterized in that] salt crystals of different mean particle sizes are used when producing
the respective foam material layers in order to provide different mean pore sizes in the
respective layers.

9. (Amended) [Method] The method as claimed in claim 7, wherein
[characterized in that] different types of foaming agents are used when producing the
respective foam material layers in order to provide different mean pore sizes in the
respective layers.

10. (Amended) [Method] The method as claimed in claim 7, wherein
[characterized in that] when producing the respective foam material layers, the same or
different foaming agents are used and [that] the foaming process is effected [in such a way,
e g] by heating the different layers to different temperatures during foaming[,] so that
different mean pore sizes are obtained in the different layers.

11. (Amended) [Absorbent] An absorbent article [such as a diaper, a pant
diaper, an incontinence guard, a sanitary napkin, a wound dressing, a bed protection etc. of
the kind containing] comprising a liquid permeable topsheet [(5)], a liquid impermeable

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backsheet [(6)] and an absorbent structure applied therebetween, wherein the [characterized
in that it contains an] absorbent structure [(1)] is as claimed in claim 1.